Supreme Court, U.S.
FILED
APR 12 1955
HAROLD B. WILLEY, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1954

No. 672

NEW YORK LIFE INSURANCE COMPANY, RELIANCE LIFE INSURANCE COMPANY, THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, THE UNION CENTRAL LIFE INSURANCE COMPANY,

Petitioners,

VS.

CHARLES M. LAKE, TRUSTEE IN BANKRUPTCY OF EUGENE M. CALLIS,

Respondent.

BRIEF FOR RESPONDENT IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI

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The Daily Record Co., Baltimore 3, Md.

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ARGUMENT

The arguments on the merits, contained in the brief of petitioner, are fully answered in the opinion of the Court of Appeals, and this respondent deems any further answer unnecessary.

As to the inconvenience to insurance companies and policy holders, which it is alleged will necessarily flow from the decision of the Court of Appeals, we submit:

1. Such arguments, since they involve matters of legislative policy, should be addressed to Congress and not to this Court. As the Court of Appeals pointed out, not only was the Frederick case before Congress when the Chandler Act was passed, but it was one of the motivating factors bringing about the passage of Section 70(d). See Court of Appeals Opinion at page 19 of the petitioner's brief.

2. The inconvenience alleged to be brought about by the necessity for investigation of possible bankruptcy proceedings is greatly overstressed by Amicus Curiae, since:

(a) It would be a rare case in which the local insurance agent, who usually gets in contact with the insured's family on his death and usually aids in the preparation of the claim, would not be aware of such a public fact as a receiver's taking possession of the greater part of insured's property;

(b) It is common knowledge that the furnishing of such information about bankrupts is the normal function of credit agencies, whose reports are available at small cost.

CONCLUSION

For the reasons set out above, it is respectfully submitted that the petition for certiorari be denied.

Respectfully submitted,

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